

07-09-01

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Client/Matter No. 153501-03 02431US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING APPLICATION UNDER 37 CFR 1.53(b)

EXPRESS MAIL LABEL No.: EL652560228US

Date of Deposit: July 6, 2001

This is a request for filing a Continuation Division application under 37CFR 1.53(b) (Rule 53(b)) of prior pending application:

Inventor(s) : Gilbreth et al
Serial No. : 09/444,487
Filed : 11/19/99
Art Unit : 2834
Examiner : N. Ponomarenko
For : AUTOMATIC TURBOGENERATOR RESTARTING METHOD AND SYSTEM

jc903 U.S. PTO
09/900635
07/06/01

Box Patent Application

Hon. Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

1. COPY OF PRIOR APPLICATION

Attached is a true copy of the prior application as originally filed, including:

- Abstract
Specification and claims as originally filed (40 pgs.)
Signed declaration or oath as originally filed
Sheets of Drawings: 6
Verified Statement Claiming Small Entity Status

2. STATEMENT OF INVENTORSHIP

This Rule 53(b) application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventors in this application are:

- the same
less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this Rule 60 application:

- 1.
2.
3.
4.

3. RELATE BACK - 35 U.S.C. 120

Amend the specification by inserting before the first line the sentence:

-- This is a Continuation Division of co-pending application

- Serial No. 09/444,487 filed 11/19/99.
International Application No. filed on and which designated the U.S.
The Examiner is requested to review the references cited in the above-noted prior application and to make those references of record in the instant application.

4. **PRIORITY CLAIM**

- ☐ Priority is hereby claimed under 35 U.S.C. 119/365 based on prior foreign application(s) No(s).:
_____ filed in (country) _____ on _____; and
in (country) _____ on _____, respectively.
- ☐ Certified copy/copies is/are attached.
- ☐ Certified copy/copies already filed on
in prior U.S. application, Serial No. _____, filed on _____.

5. **ASSIGNMENT**

- ☒ The prior application is assigned of record to: Capstone Turbine Corporation
- ☐ Attached is an assignment to: _____.

6. **SMALL ENTITY STATUS**

- ☒ Verified Statement(s) establishing "small entity" status under Rules 9 and 27:
- ☒ has been filed in parent application and such status is still proper and desired (37CFR 1.28(a)).
- ☐ is filed herewith.

7. **MAINTENANCE OF CODEPENDENCY OF PRIOR APPLICATION**

- ☐ Petition, fee and response to extend the life of the copending prior application to _____
- ☐ is being concurrently filed in that prior application
- ☐ was previously filed in that prior application.
- ☐ is not necessary.

8. **POWER OF ATTORNEY**

- ☐ The power of attorney in the prior application is to all of IRELL & MANELLA LLP.
- ☒ The power appears in the original papers of the prior application.
- ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- ☐ Recognize as associate attorneys:
- ☒ Address all future communications to Rachele Wittwer, IRELL & MANELLA LLP, 1800 Avenue of the Stars, Suite 900, Los Angeles, CA 90067 (Telephone: 310-277-1010; Facsimile: 310-203-7199).

03060633.070501

9. **AMENDMENT**

☐ For the purpose of reducing the filing fee per MPEP 506 and 607, please enter the following claim cancellations before calculating the filing fee (do not cancel all claims) FIRST PRELIMINARY AMENDMENT:

☒ Preliminary amendent attached. (Please enter after assigned Serial No.)

10. **FEE CALCULATION**

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS
REMAINING AFTER ENTRY OF PRELIMINARY AMENDMENT
PER MPEP § 506 AND § 607**

Basic Filing Fee \$710.00

Total Effective Claims 9 - 20 = 0 x \$18.00 0.00

Independent Claims 9 - 3 = 6 x \$80.00 480.00

If any proper multiple dependent claim (ignore improper)
is present, add \$270.00

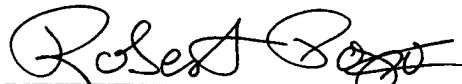
If Small Entity claim is present, enter one-half (½) of subtotal and subtract. - 595.00

Total Filing Fee Enclosed \$595.00

No additional fees are believed to be due. If an extension of time is required for this paper or later filed papers, please consider this a petition for the required extension of time. Please charge any required petition fees, and any other fees, except for payment of the issue fee, and charge any underpayment or credit any overpayment during the prosecution of this application to our Deposit account No. 09-0946 for which purpose a duplicate of this paper is enclosed.

Attached is a postcard acknowledging receipt of the documents transmitted.

Respectfully Submitted,



Robert Popa, Registration No. 43,010

IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067
Telephone: (310) 277-1010
Facsimile: (310) 203-7199

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

Repln. Ref: 08/06/2001 YGIZAW 0015132500
DOI: 090946 Name/Number: 09900635
FC: 704 \$240.00 CR

07/12/2001 CNGUYEN 00000013 09900635

01 FC:201 355.00 OP
02 FC:202 ~~240.00 OP~~

Adjustment date: 08/06/2001 YGIZAW
07/12/2001 CNGUYEN 00000013 09900635
02 FC:202 -240.00 OP

08/07/2001 YGIZAW 00000006 09900635
01 FC:202 200.00 OP

PTO-1556
(5/87)

Repln. Ref: 08/07/2001 YGIZAW 0014111700
DOI: 090946 Name/Number: 09900635
FC: 704 \$40.00 CR